

REMARKS

Claims 9-10 have been amended. Claims 9-14 remain pending. Reconsideration and reexamination of the application, as amended, are requested.

The Examiner objected to Figure 1 by indicating that crystal defects 11 were located only under central opening 25 and not under the openings located on adjacent sides. Also, the Examiner objected to the specification by indicating crystal defects 13 depicted in Figure 1 were not mentioned in the specification. Figure 1 has been corrected to depict crystal defects 11 under the openings located on the adjacent sides. Figure 1 has been further amended to delete "13". It is submitted that the objections are no longer applicable.

The Examiner rejected claims 9-14 under 35 U.S.C. 112, first paragraph, by indicating that the specification describes radiating rays passing through the opening and generating crystal defects under the opening and laterally adjacent to the opening. The Examiner further indicated that claim 10 as written was not supported by the specification. Claims 9 and 10 have been amended in view of the Examiner's remarks. It is submitted that this rejection is no longer applicable.

The Examiner rejected claims 9 and 11-12 under 35 U.S.C. § 102(e) as being anticipated by Sakamoto.

In Sakamoto, a silicon nitride film is provided such that it has an opening vertically above a pn junction so that the silicon nitride film restrains exposure to particle rays in areas other than the pn junction. Electrodes 18, 19 made of aluminum are provided on the silicon nitride film.

The semiconductor device of claim 9 requires a metal wiring layer to be connected to the impurity regions formed in the substrate. Furthermore, the metal wiring layer has an opening above a region which is to be irradiated to form crystal defects such that also a smaller amount of radiating rays are irradiated to regions in the substrate except the region under the opening. In any case, Sakamoto does not disclose a metal wiring layer connected to the impurity regions and also formed so that radiating rays pass through an opening to a region to generate crystal defects and restrict penetration of radiating rays to regions in the substrate except the region under the opening. Since Sakamoto does not disclose such a metal wiring layer, Sakamoto cannot anticipate the semiconductor device of claim 9.

Claims 11 and 12 further define the semiconductor of claim 9 and are also patentable.

The Examiner rejected claim 10 under 35 U.S.C. 103(a) as being obvious on consideration of Sakamoto. The Examiner rejected claims 13-14 under 35 U.S.C. 103(a) as being obvious on consideration of Sakamoto in view of Takahashi. These claims depend from claim 9 and should be patentable. Applicant does not acquiesce in the independent rejection of these claims, but further comment at this time is not needed.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration and reexamination are requested. Allowance of claims 9-14 at an early date is solicited.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: _____

8-5-03



Curtis B. Hamre
Reg. No. 29,165
CBH:PSTkaw